

REMARKS

Claims 1 and 3-11 are pending. Claim 5 has been withdrawn from consideration.

Applicants' Response to the Claim Rejections under 35 U.S.C. §103

Claims 1, 3-4, 6, and 8-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0075428 to *Saiki* in view of U.S. Patent No. 3,017,282 to *Brill*.

In response thereto, applicants respectfully submit that the present invention would not be obvious in light of the combination of references on at least the basis that there is no reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed invention does.

The current rejection is a reformulation of the prior §102 anticipation rejection to a §103 rejection including Brill as a secondary reference to address the pH range.

Specifically, the rejection relies on Brill as teaching an acid-containing aqueous solutions with a pH in the range of between 2.5 and 4.5 useful in the preparation of surface coatings for the purpose of conditioning a surface for adhesion with other materials and as a cross-linking agent citing col. 1, lines 50-60. The rejection maintains that since Saiki is silent regarding the pH of the aqueous solution, it would have been obvious to adjust the aqueous adhesive solution of Saiki with a pH that is in the range of from 2.2 to 4.3 based on Brill's teachings, in order to condition the surface of the material for adhesion with other materials as well as to crosslink the polyvinyl alcohol in the adhesive, as taught by Brill. See page 3 of the Office Action. Applicants

respectfully submit that this reason for making the combination does not take into consideration all the teachings of Brill. In fact, there is no rational underpinning whereby one of skill in the art would incorporate a pH range of 2.2 to 4.3 into Saiki in light of the teachings of Brill.

Specifically, under U.S. patent law, "...there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR*, 82 USPQ2d at 1396. Second, a reference's teachings must be considered as a whole. See M.P.E.P. §2141.02 I.

In the current instance, Brill only teaches that the pH of 2.2 to 4.3 is necessary to prevent the precipitating of TiO_2 from an aqueous acidic solution of $\text{Ti}(\text{OR})_4$, where R is an alkyl radical and acetyletone. As described at col. 1, lines 44-56 of Brill a solution as above tends to precipitate TiO_2 when "the reaction mixture obtained is contacted with an appreciable amount of water." The invention of Brill is that the reaction is stabilized by adjusting the pH value to below 4.5. Hence, Brill is only teaching that the pH adjustment is necessary to prevent precipitating for a specific organo-Ti containing solution. This teaching is non-analogous to that of Saiki's teaching of an adhesive at paragraph [0035]. Saiki is not directed to an organo-Ti such as $\text{Ti}(\text{OR})_4$, where R is an alkyl radical in solution with acetyletone. There is no concern within Saiki as to precipitating of TiO_2 . Brill's described utility as a surface coating is completely different from the application as an adhesive for a polarizing plate.

Brill merely discloses that a stabilized aqueous organic titanate solution is used as a crosslinking agent and does not teach the stability when the aqueous organic titanate solution is mixed with a polyhydroxy compound. Specifically, Brill uses an aqueous organic titanate

solution for crosslinking of polyhydroxy compounds such as starch (exemplified by in Brill column 6 lines 58-60), but polyvinyl alcohol is not exemplified as the polyhydroxy compound. Hence, there is further no basis whereby a skilled artisan could derive the acetoacetyl group-containing polyvinyl alcohol of the present invention as the polyhydroxy compound from Brill's disclosure even in light of Saki.

Applicants respectfully submit that there is no rational underpinning for a skilled artisan to make the combination so as to result in the presently claimed invention. Rather, one of skill in the art would see no reason from Brill to adjust the pH of the adhesive of Saiki, because there is no organo-Ti within Saiki's adhesive, nor is there any similarity in usage or polyhydroxy compounds. Wherefore, favorable reconsideration is respectfully requested.

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Saiki* in view of *Brill* as applied to claims 1, 3-4, 6, and 8-11 above, and further in view of U.S. Patent Publication No. 2003/0137732 to *Sugino*.

As the rejection of claim 7 depends upon the rejection of claim 1, applicants respectfully submit that by addressing the rejection of claim 1 as detailed above, likewise the rejection of claim 7 is addressed.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

Application No.: 10/583,990
Art Unit: 1794

Response
Attorney Docket No.: 062622

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Michael J. Caridi", with a long, sweeping horizontal stroke extending to the right.

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